

Montana Transportation Commission

November 7, 2008 Meeting

MDT Commission Room
Helena, MT

IN ATTENDANCE

Nancy Espy, Transportation Commissioner, Acting Chairman
D. Winterburn, Transportation Commissioner
Rick Griffith, Transportation Commissioner
Kevin Howlett – Transportation Commissioner
Barb Skelton - Transportation Commissioner
Jim Lynch, MDT Director
Jim Currie, MDT Deputy Director
Loran Frazier, MDT Engineering
Sandy Strachl, MDT
Tim Reardon, MDT Chief Counsel
Carol Grell Morris – MDT Legal Division
Lori Ryan, MDT
Mick Johnson, MDT
Mike Duman, FHWA
Kevin McLaury, FHWA

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OPENING – Commissioner Nancy Espy, Acting Chair

Commissioner Espy called the meeting to order. After the pledge of allegiance, Commissioner Howlett offered the invocation.

Approval of Minutes of the October, 2008, Conference Call.

Commissioner Espy presented the minutes from the October, 2008, Conference Call. There were no additions, deletions, or changes made to the minutes.

Commissioner Griffith moved to adopt the minutes as presented. Commissioner Skelton seconded the motion. All five Commissioners voted aye.

The motion passed unanimously.

Agenda Item 1: TCP Approval.

Commissioner Espy congratulated all the participants in the TCP process and offered her compliments to everyone in the Department.

Commission Howlett moved to adopt the TCP. Commission Griffith seconded the motion. All five Commissioners voted aye.

The motion passed unanimously.

Agenda Item No. 2: Adoption of Outdoor Advertising Rules

Tim Reardon addressed the Commission. He noted the Commissioners had previously been provided with the Outdoor Advertising Rules and also a Draft Notice of Adoption and Appeal. The law requires that the rules be noticed, and published. In this case no public hearings were held. The proposed rules are meant to clarify certain things in the Outdoor Advertising Program. Over the course of a couple of months, the Department received five written responses to the rules which had several different components; twenty seven comments which were broken out of those five letters. The comment period is now over. When you read the letters and the rules, you will see that in most cases the comments were taken into consideration and the rules were revised to address the comments and accommodate these people. Most of the comments were from small business people or individual property owners who had concerns about something on their own land. The proposed rules and revisions are important in order for the Department to meet its responsibilities under the Outdoor Advertising law in both the federal program and state program. All that is left is for the Commission to adopt, reject, or revise the proposed rules.

Commissioner Griffith asked about one of the comments that stated these were the most restrictive rules ever proposed, and people couldn't have their business signs on their trucks in the parking lot of Wal-mart without it being a violation of the law. Director Lynch said that even before these rules were discussed you couldn't do that. Commissioner Griffith said he was referring to a magnetic sign on the door of your pickup. Director Lynch said there was no restriction like that in these rules. Commissioner Skelton noted that Carol Grell Morris had done a wonderful job in going through all the comments and making sure the rules were going in the right place under the law and marking it so the Commissioners could see the changes. She said it was a job well done. Carol Grell Morris said they would be filed with the Secretary of State on November 17, 2008. The rules would then become effective November 27, 2008. The Outdoor Advertising staff would begin using the new rules later November 27th. Director Lynch also recognized Pat Hurley as having done a very good job working on the rules and making sure they were not restricting people but just making it clear on how they could advertise. Commissioner Espy said she appreciated receiving the comments; they were all practical, sensible, and easy to understand.

Commissioner Griffith moved to adopt the Outdoor Advertising Rules as presented. Commissioner Winterburn seconded the motion. All five Commissioners voted aye.

The motion passed unanimously.

Agenda Item 3: Wetland Mitigation in Watershed #9 (Middle Missouri River Basin)

Sandy Straehl addressed the Commission as follows:

MDT proposes hiring a consultant to develop wetland mitigation projects within Watershed #9 using the design-build process. The proposed project will provide MDT with approximately 15 acres of wetland mitigation credits that will serve as a mitigation reserve for future transportation projects in the Billings and Glendive Districts. Watershed #9 is located in the Middle Missouri River Basin. Using design-build for wetland mitigation is expected to streamline the wetland mitigation process.

The consultant will be responsible for all aspects of the proposed project including design, right-of-way agreements, and construction. MDT will review the consultant's work and coordinate with landowners and with the U.S. Army Corps of Engineers for project approval. MDT's efforts will involve staff from environmental,

preconstruction, construction engineering, right-of-way, and legal services. MDT is requesting \$490,500 for this project, which will cover all phases, including preliminary engineering, right-of-way, construction, and construction engineering. The \$490,500 includes indirect costs.

Projects anticipated to have wetlands mitigated by this project include Lewistown West, Lewistown to Grassrange Corridor, Lewistown East, Hobson East, Eddie's Corner, and Lewistown Southeast. It is anticipated that 15 acres of wetland mitigation credits will be developed by this project.

MDT requests Commission approval for the design-build Wetland Mitigation Project in Watershed #9 (Middle Missouri River Basin). The project will involve hiring a consultant to develop and construct wetland mitigation sites in this watershed using the design-build process. The consultant will be responsible for all aspects of the project including design, right-of-way acquisition, and construction. MDT staff will review, coordinate, and approve the work. The estimated project cost is \$490,500, which includes indirect costs.

MDT staff recommends the Commission approve the addition of this project to the program.

Commissioner Howlett moved to approve the addition of the Wetland Mitigation Watershed #9 Project into the program. Commissioner Griffith seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 4: Wetland Mitigation in Watershed #12 (Lower Missouri River Basin)

Sandy Straehl addressed the Commission as follows:

MDT proposes hiring a consultant to develop wetland mitigation projects within Watershed #12, known as the Lower Missouri River Basin, using the design-build process. The proposed project would provide MDT with approximately 25 acres of wetland mitigation credits that would serve as a mitigation reserve for future transportation projects in the Glendive District. Watershed #12 is located in the Lower Missouri River Basin. Using design-build for wetland mitigation is expected to streamline the wetland mitigation process.

The consultant will be responsible for all aspects of the project including design, right-of-way agreements, and construction. MDT will review the consultant's work, coordinate with landowners and with the U.S. Army Corps of Engineers for project approval. MDT's efforts will involve staff from environmental, preconstruction, construction engineering, right-of-way, and legal services. MDT is requesting \$423,000 for this project, which will cover all phases, including preliminary engineering, right-of-way, construction, and construction engineering. The \$423,000 includes indirect costs.

Projects anticipated to have wetlands mitigated by this project include Redstone East & West, Bainville East & West, West of Richey West, Bainville South, and Culbertson East. It is anticipated that 25 acres of wetland mitigation credits will be developed through this project.

MDT requests Commission approval for the design-build Wetland Mitigation Project in Watershed #12 (Lower Missouri River Basin). The project will involve hiring a consultant to develop and construct wetland mitigation sites in this watershed using the design-build process. The consultant will be responsible for all aspects of the

project including design, right-of-way acquisition, and construction. MDT staff will review, coordinate, and approve the work. The estimated project cost is \$423,000, which includes indirect costs.

MDT staff recommends the Commission approve the addition of this project to the program.

Commissioner Griffith moved to approve the addition of the Wetland Mitigation Watershed #12 Project into the program. Commissioner Winterburn seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 5: 2007 Highway Safety Improvement Program

Sandy Straehl addressed the Commission as follows:

Agenda Item No. 5 would actually begin the process for safety work. The action you took in approving the TCP includes the end product of this work. This is the beginning design work on safety projects across the state. Duane Williams from our Safety Bureau is here to answer any questions you may have on individual sites. We've also included maps of each individual site for your interest.

Each year MDT District staff, local road agencies, and the Safety Management staff identify projects to be included in the Highway Safety Improvement Program (HSIP). The Safety Management Section prepares conceptual design with cost estimates and benefit/cost analyses for those locations where countermeasures to crash trends are identified and where there are no active short-term projects. Given the availability of funding, MDT will only pursue those projects with a benefit/cost ratio of 2.57 and above.

The attached list includes projects with construction costs at or above \$50,000. These projects will be let for construction individually. The estimated total cost for these projects including all phases and indirect costs is \$7,747,447.

MDT requests that the Commission approve the projects on the attached list for inclusion in the 2007 Highway Safety Improvement Program. MDT is only pursuing those projects with a benefit/cost ratio of 2.57 or above.

MDT staff recommends the Commission approve the addition of the projects on the attached list to the 2007 Highway Safety Improvement Program.

Director Lynch felt it was important to note these are safety projects that are not tied to a construction project. All the construction projects the Commissioners approve have safety components and the MDT tries to address any safety concerns in those projects. These are safety projects that basically stand alone and are not part of a project. Commissioner Howlett asked if this constituted the majority of safety projects in the coming years or are there some left. Sandy Straehl stated there were other safety projects that were moving through the development stage. This request is to begin the development of these projects. There are other projects under development right now that are moving forward and will eventually get into the TCP. The development time for an individual project varies depending on the complexity, right of way issues, utility issues, etc. There are hundreds of projects that are always under development and this is the very first step in getting a project ready so we can start expending federal aid dollars in developing those projects.

Commission Griffith asked about the safety project on Homestake Pass. Duane Williams said this was on the east side of Homestake Pass where there are a couple of

pretty sharp curves that need additional signage in advance of those curves. Commissioner Howlett asked about the big signs going up there. Duane Williams said the big signs were the result of a similar safety project that originated several years ago. This is a separate project that will install flashing lights around specific sharp curves.

Commissioner Skelton moved to adopt the 2007 Highway Safety Improvement Program. Commissioner Griffith seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 6: Speed Limit Recommendation MT 16 – Medicine Lake

Loran Frazier said this speed limit recommendation was for MT 16 at Medicine Lake. Medicine Lake requested a speed limit to establish a transitional speed coming in and out of the community. It is currently 35 mph through the Medicine Lake. Our recommendation is to install a 55 mph speed limit beginning at station 1271+00, approximately 1,300 feet south of the intersection of Cemetery Road and continuing north to 1283+00, an approximate distance of 1,200 feet. Also a 55 mph speed limit beginning at station 14+50, 600 feet south of Secondary 573 and continuing north to station 30+00, an approximate distance of 1,550 feet. We have a letter of concurrence from the community. Staff would recommend approval. There is a rough transitional change from the rural area to the community area and we feel that stepping the speed down before they go through the town is the thing to do.

Commissioner Griffith moved to approve the Medicine Lake Speed Limit Recommendation as presented. Commissioner Skelton seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 7: Speed Limit Recommendation MT 80 – Fort Benton

Loran Frazier said this speed limit recommendation was for MT 80 just outside the community of Fort Benton. The community and a citizen requested that we look at the speed limit on the north entrance and exit to the community of Fort Benton. There was a 70 mph speed limit coming down the hill towards Fort Benton and we would be dropping that down to 60 mph beginning at the intersection with US 87 and continuing east to station 67+50, project S 290(8), an approximate distance of 1.1 mile. Then in addition to this speed limit we are looking at adding a new crosswalk at the intersection of Washington Street by the school which shows up on the map as the intersection of 13th Street and Washington. We have a letter of concurrence from the community.

Commissioner Skelton moved to approve the MT 80 – Fort Benton Speed Limit Recommendation as presented. Commissioner Winterburn seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 8: Speed Limit Recommendation US 12 – Deep Creek Canyon

Loran Frazier said this speed limit recommendation is for a proposed speed limit on US 12 near the entrance to Deep Creek Canyon. The Broadwater County Commissioners asked us to look at the speeds in the area near the mouth of Deep Creek Canyon because it is a developed area. Our recommendation is to put in a 55 mph speed limit beginning at station 604+00, NRH 264-B (1,000 feet west of the intersection with North Fork Road) and continuing east to station 625+00 (600 feet east of the intersection with Ross Gulch Road), an approximate distance of 2,100 feet. We have a letter of concurrence from the Broadwater County Commissioners. The staff recommends approval.

Commissioner Griffith asked if the accident rate of 2.28 was high. Duane said it was a little higher than the state average for this type of route. Commissioner Griffith felt this had more to do with planning regarding subdivisions and was concerned about not wanting to see a 35 mph speed limit through the whole canyon as it starts to develop. Duane said the 85th percentile through that area were around the 57-60 mph range. Commissioner Howlett asked if this could be part of an access-control route. Loran said he did not believe there was an access control plan in place on this route. Commissioner Griffith felt that was a way to address this issue. Loran said this was an area with a lot of seasonal homes and a few permanent residences. Commissioner Howlett asked if they were newer cabins or is it fixing an old problem. Director Lynch said that 85 percent of the traffic is driving at the recommended speed limit; those who are not familiar with the road may be driving too fast causing a speed differential which might be driving some of the accident information. Commissioner Howlett asked if it was near the Bar. Loran said yes it was. Commissioner Espy said this was a request from the County Commissioners who were hearing complaints from their citizens.

Loran said another issue that may be related to this recent request is that MDT just completed a road improvement project in that area last summer. Before the improvements the road was pretty narrow road and now it has shoulders and flatter slopes so the speed differential when you hit the narrow roadway going into the canyon may be a little more apparent than previously.

Commissioner Griffith moved to approve the US 12 – Deep Creek Canyon Speed Limit Recommendation as presented. Commissioner Winterburn seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 9: Speed Limit Recommendation Secondary 234 – Beaver Creek Park

Loran Frazier said this speed limit recommendation was for Secondary 234 – Beaver Creek Park. This area has had a lot of issues over the years. This is a community park that allows cattle to graze in it. It's been a safety issue. People are running into black cows lying down on the warm roadway at night and there have been several accidents this fall already. We've tried just about everything we can think of up there from warning signs for cattle on road; we've had a very controversial proposal to put in fencing which hasn't gone well with the community. We are asking for a 35 mph night time speed limit beginning at milepost 8.8 on Secondary 234, the entrance to the Beaver Creek Park, continuing to milepost 23.4, an approximate distance of 14.6 miles. The speed limit would be in effect September 1 through January 1 annually when they have cattle on the park.

Director Lynch said Mick Johnson had done a good job working with the County Commissioners. This is a unique park; it is a county-wide park, and they graze cattle in the park. There have been a lot of discussions on what to do as far as limiting that danger including asking the county to not enter into grazing contracts because of safety. This is a big park, and although fences would help a lot with the safety issue, the county feels it would destroy the effect of what they are trying to create with the open park through that particular area. We've made the recommendation to the county to go to a nighttime provisional speed during the time they have cattle grazing to see if this would solve the problem, with the understanding that even if it doesn't we would still have the flexibility of looking at some other avenues. Fencing may end up having to be the solution but we feel that trying a provisional speed limit at night would be a good idea.

Mick Johnson said he had met with the Hill County Commissioners and they concur with this recommendation. As Director Lynch explained we've tried just about everything up there – flashing lights, variable message boards, even a radio station that broadcasts "cattle at large in the park". This park is the largest county-owned park in the nation. They graze around 4,000 head of cattle in there from Labor Day to January 1st. It is a large revenue generator for the county; somewhere around \$60,000 - \$80,000 worth of grazing is done there. Grazing accomplishes several things for the county; it raises revenue for the county and keeps the grass down for the fire danger. This is a beautiful park; it has a meandering trout stream through it and people really use it so they didn't want to fence it. We brain-stormed everything we could think of and this is what we've come up with. We need to do something because since September we've had six accidents up there. Commissioner Espy asked if the roadway went through the park. Mick Johnson said it went right through the middle of the park next to the stream. Director Lynch said cows aren't like elk or deer who try to run, cows just lay there.

Commissioner Howlett asked if we were encouraging that. Director Lynch said we have open range in Montana and because of that anywhere there are cattle on open range, they head for the highway. Mick Johnson said we've built 12 springs in the park, put the salt licks back from the road, but they head for the road anyway. It is primarily local traffic but there is traffic that comes from Havre going to Rocky Boy; it is one of the main routes to Rocky Boy. Director Lynch said the Sheriff's Department agreed to step up enforcement at night through the area. Commissioner Griffith said there used to be quite a demand on that road before the roadway from Great Falls was improved. Loran Frazier said they actually rebuilt this road five years ago but by widening it and flattening slopes the speed has increased. Commissioner Espy asked if the county had ever considered an electric fence. Director Lynch said the last time this came up in the 90's, the local government felt so strongly about not wanting fencing up there they had then State Senator Tester introduce a bill in the Legislature to dismiss the requirement for fencing in that park alone. Director Lynch said this was an unusual way of putting a speed limit on a roadway, however this is not unique, the Commissioners approved a speed limit near Yellowstone and that has been very effective. Commissioner Howlett said he was comfortable with it during the wintertime but not comfortable with doing it permanently. He said he had a concern with liability; he asked if it would increase the liability. Director Lynch said with open range in Montana, the motorists are responsible if they hit the cows – the cows have the right-of-way. Director Lynch said Montana has a statute against fencing so, without fencing, this is our recommendation.

Commissioner Griffith was concerned that the majority of traffic using that road at night was predominantly Chippewa-Cree and there would be a perception problem. He felt there needs to be some opportunity to educate the tribal community about the safety issue. If everybody getting cited is Chippewa-Cree it will cause problems. We need an emphasis on the safety issue. Commissioner Skelton asked is there could be an agreement from the Tribal Council. Director Lynch said the roadway is off the Reservation. MDT has an intern who works with speed and alcohol issues and is a

member of the Chippewa-Cree Tribe and he could be involved in a dialogue with the Tribe. Commissioner Howlett said he would feel better with the concurrence of the Tribe. Commissioner Griffith said the education process is important and would address the liability issue. Director Lynch said MDT would be trying to establish awareness of the speed restriction not to establish a speed trap to issue tickets. Mick Johnson said he was concerned with the severity of the accidents would like to see the Commission do something as quickly as possible. Director Lynch said he would commit to the discussion with Rocky Boy explaining the objective of the speed limit. Commissioner Espy said 27 accidents in three years is too many on that little stretch of road. Director Lynch said stepped up enforcement would mean adding a few more hours of enforcement. Commissioner Howlett said he wanted to make sure the communication takes place and the objective we are trying to accomplish is recognized and appreciated. Even though the road is not on the Reservation, it goes to the Reservation and the majority of the people using that road during these hours will be Reservation residents.

Commissioner Espy said she would like to approve the recommendation but adding a timeframe that it would not go into effect until the December 15th call which would give the staff enough time to talk to the Commissioners and the Tribe. Director Lynch said he would not want to wait until December 15th when we know that some action needs to take place immediately. He offered the suggestion of approving this request for this year, and committed to get back to the Commission in January with the response from the Sheriff's Department and the Tribe.

Director Lynch said he wanted to commend the Native American Reservations throughout Montana; they are really eager to try and create all sorts of safety situations that could save not only Tribal members but also non-tribal members on highways. They are advocates of highway safety across the state. They've made some major reductions in fatalities because of their activities. They are with us in the Highway Safety Program and we couldn't be successful if they weren't. Commissioner Howlett said that was precisely why he raised the issue. If they can be proactive in promoting safety, you will find partnership. If they are encountering a high degree of traffic stops, they will be reactive.

Commissioner Griffith moved to approve the Secondary 234 – Beaver Creek Park Speed Limit Recommendation as presented for the timeframe September 2008 through January 2009. Commissioner Winterburn seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 10: Letting Lists

Loran Frazier presented the Letting List to the Commission for November 2007 through March 2009. He noted that the list would need to be updated to reflect the changes made during the recent Red Book process. In addition the Shiloh Road project needs to be added to this list. Staff recommends approval.

Director Lynch said they would update the list as soon as possible and let the Commissioners know the changes on the next Commission Conference Call.

Commissioner Griffith moved to approve the Letting Lists. Commissioner Skelton seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 11: Bi-Monthly Bid Lettings

Director Lynch said that during a recent Commission meeting there were a couple of issues raised regarding how information was getting out and stated he still had some concern about getting bids because Contractors need to pull bids before they are read because they may be bidding several projects at one time. The recommendation from Federal Highways is that we should still allow that to happen; that is the reason for presenting this idea of bi-monthly bid lettings. A lot of other states have bi-monthly bid lettings. We took this idea to the construction industry and they support this idea because it gives them a more appropriate time to prepare a bids and allows us the flexibility to strategically put bids out at two different times of the month based on the size of the project and make sure we don't create a burden on the construction industry that would preclude someone from getting a project. Our recommendation is to go to bi-monthly bid lettings. That would mean we would have to increase one more conference call to the Commissioners because you would have to approve them after they've been bid. It also allows us, under this next year of re-authorization, to make sure we have the money available to do projects and bid projects accordingly. We feel there is a tremendous advantage to go to a bi-monthly bid letting.

Commissioner Griffith moved to approve going to Bi-Monthly Bid Lettings. Commissioner Howlett seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 12: Certificates of Completion

Loran Frazier presented the Certificates of Completion to the Commission for the months of August and September; \$21,746,559 in August and \$20,612,805 in September. Staff recommends they be approved and the projects be certified for completion.

Commissioner Griffith moved to approve the Certificates of Completion for August and September. Commissioner Winterburn seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 13: Change Orders

Loran Frazier presented the Change Orders for the months of August and September. Staff recommends approval of the change orders. He noted there was one large change order involving a large project in the Havre area for \$451,478.48 which involved a lot of incidental paving mostly for driveways for the construction limits, and some utilities were relocated.

Commissioner Griffith moved to approve the Change Orders for the months of August and September. Commissioner Winterburn seconded the Motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 14: Commission Discussion

Director Lynch reflected back four years ago when he first met Commissioner Espy and the rest of the Commissioners and commended them for their contribution to

the State of Montana in working with the Department of Transportation to keep the highways safe for the traveling public. He felt Montana was a better state because of their efforts. Montana can have some freak snow storms but the people of Montana can get around the state 365 days a year and congratulated the Commission for that. When you look at all the accomplishments, the speed restrictions, the safety improvements, the Comprehensive Safety Plan, the involvement in the Native American communities throughout the State, the Commission needs to be commended for a tremendous four years. Commissioner Espy said that the Department has had great Commissions but noted they were no better than the staff. Without teamwork we cannot achieve our goals. Federal Highways is also included in that. The Commission has always opened its doors to the County Commissioners, the public, the Legislature, or anybody who wants to come in and talk to the Commissioners and the staff. We have a tremendous reputation across this State. She thanked the Department of Transportation staff on behalf of the Commission.

Deputy Director Jim Currie said this was his last Commission meeting. He said I've had the honor of working with many, many very good Commissioners over the years, including this group. I've enjoyed working with Commissioner Espy for almost 12 years. I think we've done some great things for Montana and you will continue to move on as I leave. Thank you. Commissioner Espy said they would miss him.

Commissioner Griffith proposed to host the December meeting in Butte and after the meeting have a going away dinner for Mr. Currie at his house. Director Lynch said the Department has been asked to keep meetings in Helena. He said they would discuss it with his staff and get back to them regarding the next meeting location.

The Performance Planning Process Award

Kevin McLaury presented three awards to Director Lynch. It is an honor to stand before you today and recognize the Department with three outstanding awards.

The first award is a Performance Planning Process and I'll read the nomination summary:

The Montana Department of Transportation has evolved in an inclusive, performance driven asset management system, referred to as The Performance Planning Process, or P-3, is data driven and is based on agency performance goals using Legacy Management Systems and aligned business processes. It develops an optimal funding plan to meet or exceed asset performance goals. Currently 70% of MDT's capital program is allocated to systems, geographic districts, and types of work through the P-3 analysis. All projects must be consistent with and support and adopt a P-3 funding plan. P-3 continues to evolve by articulating performance goals for new asset classes; most currently the bridge deck performance.

Jim, it is an honor to award you an Honorable Mention for the Transportation Planning Excellence Award. This is not only a reflection on Jim, but also Sandy and her group, because they truly do utilize this.

Montana Tribal Safety Planning Award

The next award that I would like to present to the Department is the Montana Tribal Safety Planning Award. MDT is directly addressing disproportionately high fatality rates among Native Americans by customizing approaches to Highway Safety Planning. At the statewide level, Tribal governments are fully incorporated as stakeholders in The Montana Highway Traffic Safety Plan. Having been in multiple states and having worked with multiple DOTs, Montana was one of the first and a leader in the development of a Montana Highway Traffic Safety Plan, others call it a Strategic Highway Safety Plan. I really have to commend the Department for reaching out to the Tribes within the State and incorporating them through this whole Transportation Safety Plan and the Comprehensive Highway Safety Plan. It

truly is a great effort and one that really excites me about how we are trying to target and lower that disproportionate rate.

Sandy Straehl said this award equally belonged to FHWA, because of their support on this; this is a multi-jurisdictional challenge, and FHWA has put staff into this as well as resources. We now have individual Tribal Safety Plans for four of the Reservations where we sat down with not just the Tribal people, but the enforcement people, the health people, and put together something that would start moving each one of those Reservations toward a safer environment for everybody on the roads. A lot of that is because of the support of FHWA. The interaction between the Sovereign Nations and the United States is something that is crucial; you have to have all players at the table. FHWA has been stepping up on Tribal safety issues and your staff deserves a lot of credit for this. Kevin McLaury thanked her and said it truly had been a cooperative effort between all the parties.

Kevin McLaury said the approach has increased coordination, for example, several Tribes participating in the Tribal INUM Program are now also participating in a Strategic Traffic Enforcement Program, which is another very successful program for overtime enforcement grants. This process is scaleable and adaptable to other Tribal cultures and other minority populations.

Director Lynch said he was really pleased to be involved in this. Out of all the things I'm involved in at the Department, this is by far the most important as far as developing The Comprehensive Plan. From the get-go we did not want to build a plan that was this thick and sits on a shelf gathering dust, we wanted a document that lived. We wanted it to be created in a method in which it could live and change and adapt to what happens in the State of Montana. I've had the opportunity to talk at other federal meetings involving other Directors of DOTs and I think Montana really did something with its cooperation and involvement with the Native American Reservations from the very beginning and through the end and continuing into the living of this document. Unfortunately I think other states were thinking that their Comprehensive Safety Plans can't involve Reservations because they are sovereign entities and there is just no way to bring the two together. There was actually some movement to do a focus group or peer group review and exclude the statistics from Native American Indian Reservations and it was the State of Montana that said we weren't going to exclude residents of our State from this problem. I think Montana has shown other states that that was a wrong way to go and that there are some tremendous efforts between two sovereign entities within the same boundaries of the state in the area of saving people's lives. I'm thrilled that we've demonstrated that to other states.

Sandy Straehl said that so far this year Native American fatalities are down 30% from last year. Everybody out there is absolutely committed to align efforts across all these jurisdictional boundaries trying to reduce the fatalities. There is so much work to be done on this topic that it could be a lifetime before we really see a solid change, but there is a lot of commitment to doing that. Director Lynch said the perception was different among different counties, different cities, and tribal and non-tribal lands. This Comprehensive Safety Plan, with the involvement and cooperation between the entities, has really brought that perception together. Not only are we providing a tremendous safety opportunity and a safety forum, but it is also giving us an understanding and appreciation of cultures in what we do to save lives on our Montana highways. So thank you very much.

The Montana Comprehensive Safety Plan Award

The last award that I would like to present to the Department is the Montana Comprehensive Safety Plan, which we discussed and is a part of the Tribal Plan. The Montana Comprehensive Safety Plan is an effort that began with identification of over a 100 federal, tribal, state, and local organizations, and individuals involved in

highway safety in Montana. To achieve desired goals and objectives and to make the best use of limited funds and resources, it was essential that a coordinated and comprehensive mechanism be established which defined appropriate roles and focused activities to take advantage of each entity's strengths and abilities. This led to the establishment of the Comprehensive Highway Safety Plan Leadership Committee which continues to oversee implementation, monitoring, and updating of the Comprehensive Highway Safety Plan. This is a yearly activity that I'm proud to say I share with Director Lynch. His involvement really stepped this program up. With him being at the two-day meeting where all the parties come together and look at this plan to see what is working and what isn't working and how we can improve it, and having Director Lynch there as an active participant in driving safety, has truly been a catalyst in making this program really work. Given the size of Montana's Native American population and their disproportionate involvement in the crash statistics, it was also understood that Montana's Tribal governments, as Sovereign Nations, must actively participate in the process. MDT therefore sponsored the Montana Tribal Forum as a joint effort of the Governor's Office, MDT, and the Federal Highway Administration, and the National Highway Transportation Safety Administration, and Montana's Sovereign Tribal Nations. The Forum was the first time representatives from Montana Tribal governments had met to jointly address highway safety needs among American Indians. This successful gathering required organizers and participants to overcome significant impediments in communication, travel distances, and historical and cultural differences. I'm proud to award Jim the Montana Comprehensive Safety Plan. Congratulations.

As a final note, these are national awards. This isn't just Montana; we are competing against every state in the nation when these awards are submitted within the Federal Highway Administration. These are truly national awards and Montana is truly being recognized as a national leader particularly within their Comprehensive Highway Safety Plan with the outreach to the Tribal governments, as well as all the other entities that help make up the Comprehensive Highway Safety Plan and the Committee that oversees that.

Director Lynch said these were also Federal Highways awards. We have a unique relationship. You need to know that when we meet at AASHTO we have Federal Highway roundtables with other state directors and we talk a lot about the relationships between the Federal Highway Administration in Montana versus the Federal Highway Administration in Oklahoma, Nevada, or New Mexico. Kevin, I think you would have to agree, the last big roundtable we had, I think most people were probably pretty envious about the relationship the Montana Department of Transportation has with its federal partners in highway building. We are little bit unique in the cooperation and how we work together and how open we are to Federal Highways to be part of our process and not just send an invitation because we have to but send an invitation because we want them at the table. I think some states were a little bit surprised at the relationship the Department of Transportation has with its federal partners and how well that actually works. I think we were able to demonstrate that if you have good people and your intentions are legitimate and you are interested in the same thing; that it is better to cooperate with each other than fight with each other. So I have to commend Kevin and Mike and his staff because I think we do have a pretty good partnership between Federal Highways and DOT. Thank you.

Sandy Straehl said there were at least 60 staff people in this agency alone standing behind these awards. People who work across lines in the organization, and across units, that align their efforts and do so much. I'm having a Pizza feed for my staff next Friday to recognize their efforts both on the national and state level and I'm inviting everybody to come. So come next Friday (Nov 14th) and we'll recognize some of the people in the Planning office who do the work.

Recognition for US 93

Kevin McLaury said that at the last POG meeting up on US 93, Lauren Frazier was recognized and MDT, Federal Highways, and the Salish-Kootenai Tribe were recognized for the design of US 93 corridor. I just wanted to mention that because that was also recognition of the cooperation that has happened among the three entities. There have been several opportunities to highlight US 93 throughout the Nation and this just continues to show that with good cooperation and understanding among the parties you really can produce a wonderful project that can be recognized nationally. I just wanted to get that on the record – that cooperation and design was presented at the POG meeting.

Sandy Straehl said that when these awards were originally presented last summer at Maryland at the Transportation Research Board summer meeting, there were hundreds of people there and hundreds of submission for these awards, and Montana just cleaned up. So Montana did very well and we have a lot to be proud of.

Nancy Espy asked if there would press releases regarding these awards. Director Lynch said there would be something in the way of a press release. Director Lynch said he would like to make a presentation to the other entities involved in these awards. Sandy Straehl said in the past when awards were individually given, we've made up plaques for team recognition and that could be done for the Tribal governments that have been involved in the planning process. Director Lynch said we can't do this alone. Sandy Straehl agreed and said this is multi-jurisdiction, multi-mission, there has to be a lot of different things that align, and everybody has to focus on just one thing – keeping people alive.

Commissioner Howlett congratulated Jim and said the thing most touching was that accidents were down 30%. I want somehow for this information to be disseminated to the people on the Reservations who don't read the MDT newsletter. Let's get this story written and get it to the Tribal papers so they can begin to understand that what we're doing really does make a difference. I've said many times in public meetings that we have to do something about the people who are being maimed and killed in automobile accidents, and they're responding. They need to know we have positive results. I think anything we can do to make people to understand that this isn't in vein would be positive and will bring some comfort to those who have lost some people on the highways. Director Lynch said they would do that. Commissioner Espy said it also lets people know that we do have a strong safety program. Commissioner Griffith said it all starts with, "safety and planning are no accident." That may be a cliché but it starts with having a good Director, and a good Assistant Director, and having a great staff, and a great relationship with the Feds. It starts with the Governor believing in it as an agenda item. These awards are nice, but they don't just happen, they happen because somebody works hard. They don't work hard to get an award; we have great people in great positions that do hard work. From my perspective on the Board, I couldn't be more happy. You guys deserve every award you get because we have the best department in the nation as far as I'm concerned.

Red Book Process

Commissioner Espy commented on how well the Red Book process went. Deputy Director Currie said the Department, through the years, has learned a lot about the process and each year the process gets better. We are looking at automating this process so that it could be done more frequently than once a year; that would allow us to tie it together with our cash flows, revenue projections, and our budgets so that we would have a more integrated system. Commissioner Griffith said it would be helpful to have a computer available for the Red Book process noting it would be easier to follow on the computer rather than paper. Director Lynch said they would look into that possibility.

Agenda Item 15: Public Comment

There was no public comment given.

Agenda Item 16: Next Commission Meeting

Conference Call – November 17, 2008. Conference Call – December 15, 2008.
Regular Meeting – December 4, 2008.

Adjourned:

Commissioner Espy adjourned the meeting

Commissioner Espy, Acting Chair
Montana Transportation Commission

Jim Lynch, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission